

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-06012-05-CR-SJ-DW
KELLY COY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 30, 2013. Defendant Kelly Coy appeared in person and with appointed counsel Melanie Morgan. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

On October 18, 2011, an indictment was returned charging defendant with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846, and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(I) and (h). Co-defendant Pedro Salazar-Morones pled guilty on May 21, 2012; co-defendant Steven Tiller pled guilty on December 12, 2012; Christopher Velvick pled guilty on May 8, 2012; co-defendant Adrienne Maar pled guilty on January 3, 2013; co-defendant Danny Delong pled guilty on December 27, 2012; co-defendant Barbara Fanning pled guilty on May 24, 2012; co-defendant Robert Wetmore pled guilty on May 24, 2012; co-defendant Veronica Hunt pled guilty on December 11, 2012; co-defendant Eric Lederer pled guilty on December 12, 2012;

co-defendant Amy Pollard pled guilty on January 3, 2013; co-defendant Christopher Powell pled guilty on January 3, 2013; co-defendant Alexander Velvick pled guilty on April 5, 2012; co-defendant Jeremy White pled guilty on December 18, 2012; and co-defendant James Williams pled guilty on May 24, 2012.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he will be the trial counsel for the government. Ms. Morgan announced that she will be the trial counsel for defendant Kelly Coy.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call 15 witnesses with or without stipulations during the trial.

Ms. Morgan announced that defendant Kelly Coy intends to call 40 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately 10 exhibits in evidence during the trial.

Ms. Morgan announced that defendant Kelly Coy will offer no exhibits in evidence during the trial.

VI. DEFENSES

Ms. Morgan announced that defendant Kelly Coy will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Morgan stated this case is probably for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 2, 2012, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by January 30, 2013;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 6, 2013;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 6, 2013. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, February 8, 2013. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 11, 2013. Mr. Rhoades is not available on the second week of the trial docket.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
January 30, 2013